

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

MICHAEL J. HOLLAND, )  
HEATHER R. HOLLAND, )  
STEVEN O. HOLLAND, )  
GLENDY LEE KELLEY-HOLLAND, )  
KYLE J. STORY, and )  
JOSHUA DAVIS, )  
Plaintiffs, )  
vs. ) Cause No. 4:08-CV-707  
CITY OF GERALD, MISSOURI, ) **JURY TRIAL DEMANDED**  
**Serve:** City Attorney )  
Joseph Purschke )  
106 East Fitzgerald Avenue )  
Gerald, Missouri 63037 )  
and )  
OTIS SCHULTE, Individually, and in his )  
official capacity as Mayor of )  
the City of Gerald, Missouri, )  
**Serve:** Mayor Otis Schulte )  
106 East Fitzgerald Avenue )  
Gerald, Missouri 63037 )  
and )  
BRAD LANDWEHR, Individually, and )  
in his official capacity as Alderman )  
for the City of Gerald, Missouri, )  
**Serve:** Brad Landwehr )  
106 East Fitzgerald Avenue )  
Gerald, Missouri 63037 )  
and )

RICH JOHNSON, Individually, and )  
in his official capacity as Alderman )  
for the City of Gerald, Missouri, )  
)  
**Serve:** Rich Johnson )  
106 East Fitzgerald Avenue )  
Gerald, Missouri 63037 )  
)  
and )  
)  
DAVID LUECHTEFELD, Individually, )  
and in his official capacity as Alderman )  
for the City of Gerald, Missouri, )  
)  
**Serve:** David Luechtefeld )  
106 East Fitzgerald Avenue )  
Gerald, Missouri 63037 )  
)  
and )  
)  
DAN MAXWELL, Individually, and )  
in his official capacity as Alderman )  
for the City of Gerald, Missouri, )  
)  
**Serve:** Dan Maxwell )  
106 East Fitzgerald Avenue )  
Gerald, Missouri 63037 )  
)  
RYAN Mc CRARY, Individually, and in )  
his official capacity as the )  
Acting Chief of Police of the City of )  
Gerald, Missouri, )  
)  
**Serve:** Ryan McCrary )  
106 East Fitzgerald Avenue )  
Gerald, Missouri 63037 )  
)  
and )  
)

SCOTT RAMSEY, Individually, and in )  
his official capacity as Assistant Chief )  
of Police of the City of Gerald, Missouri )  
)

**Serve:** Scott Ramsey )  
106 East Fitzgerald Avenue )  
Gerald, Missouri 63037 )  
)

and )  
)

POLICE OFFICER SHANNON RAMSEY, )  
Individually, and in her official capacity )  
as a Police Officer for the City of Gerald, )  
Missouri, )  
)

**Serve:** P.O. Shannon Ramsey )  
106 East Fitzgerald Avenue )  
Gerald, Missouri 63037 )  
)

JOHN DOE NO. 1, an unidentified )  
Police Officer of the City of Gerald, )  
Missouri, a/k/a "LOUIS" L/N/U, )  
Individually, and in his official capacity )  
as a Police Officer for the City of Gerald, )  
Missouri, )  
)

**Serve:** 106 East Fitzgerald Avenue )  
Gerald, Missouri 63037 )  
)

and )  
)

JOHN DOE NO. 2, an unidentified )  
Police Officer of the City of Gerald, )  
Missouri, Individually, and in his official )  
capacity as a Police Officer for the )  
City of Gerald, Missouri, )  
)

**Serve:** 106 East Fitzgerald Avenue )  
Gerald, Missouri 63037 )  
)

and )  
)

JOHN DOE NO. 3, an unidentified )  
Agent or Employee of the City of Gerald, )  
Missouri, a/k/a "SGT. JAKOB," )  
Individually, and in his official capacity )  
as an Agent or Employee of the City )  
of Gerald, Missouri, )  
  )  
**Serve:** 106 East Fitzgerald Avenue )  
  Gerald, Missouri 63037 )  
  )  
  Defendants. )  
  )  
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  )

**COMPLAINT  
VIOLATION OF CONSTITUTIONAL RIGHTS PURSUANT TO 42 USC §1983**

**COME NOW** Plaintiffs Michael J. Holland, Heather R. Holland, Steven O. Holland, Glenda Lee Kelley-Holland, Kyle J. Story, and Joshua Davis, by and through counsel Robert Herman of Schwartz, Herman & Davidson, and for their cause of action against City of Gerald, Missouri; Otis Schulte, Individually, and in his official capacity as Mayor of the City of Gerald, Missouri; Brad Landwehr, Individually, and in his official capacity as Alderman for the City of Gerald, Missouri; Rich Johnson, Individually, and in his official capacity as Alderman for the City of Gerald, Missouri; David Luechtefeld, Individually, and in his official capacity as Alderman for the City of Gerald, Missouri; Dan Maxwell, Individually, and in his official capacity as Alderman for the City of Gerald, Missouri; Ryan McCrary, Individually, and in his official capacity as the Acting Chief of Police of the City of Gerald, Missouri; Scott Ramsey, Individually, and in his official capacity as Assistant Chief of Police of the City of Gerald, Missouri; Police Officer Shannon Ramsey, Individually, and in her official capacity as a Police Officer for

the City of Gerald, Missouri; John Doe No. 1, an unidentified Police Officer of the City of Gerald, Missouri, a/k/a "LOUIS" L/N/U; John Doe No. 2, an unidentified Police Officer of the City of Gerald, Missouri; and, John Doe No. 3, an unidentified Agent or Employee of the City of Gerald, Missouri, a/k/a "Sgt. Jakob," state to the Court as follows.

**Parties, Jurisdiction and Venue**

1. Plaintiffs are residents of the City of Gerald, State of Missouri, residing within the geographical area of the Eastern District of Missouri.
2. Defendant City of Gerald, Missouri, (hereinafter "the City") is a fourth-class city incorporated and operating under the laws of the State of Missouri.
3. Defendant Otis Schulte (hereinafter "Mayor Schulte") is named in his individual and official capacity, and is the duly elected Mayor of the City of Gerald, Missouri.
4. Brad Landwehr (hereinafter "Alderman Landwehr") is named in his individual and official capacity, and is a duly elected Alderman on the Board of Alderman for the City of Gerald, Missouri.
5. Rich Johnson (hereinafter "Alderman Johnson") is named in his individual and official capacity, and is a duly elected Alderman on the Board of Alderman for the City of Gerald, Missouri.
6. David Luechtefeld (hereinafter "Alderman Luechtefeld") is named in his individual and official capacity, and is a duly elected Alderman on the Board of Alderman for the City of Gerald, Missouri.

7. Dan Maxwell (hereinafter “Alderman Maxwell”) is named in his individual and official capacity, and is a duly elected Alderman on the Board of Alderman for the City of Gerald, Missouri.

8. Defendant Ryan McCrary (hereinafter “McCrary”) is named in his personal and official capacity and is the duly elected or appointed Acting Chief of Police of the City of Gerald, Missouri.

9. Scott Ramsey (hereinafter “Lt. Ramsey”) is named in his personal and official capacity, and is the duly appointed Assistant Chief of Police of the City of Gerald, Missouri.

10. Shannon Ramsey (hereinafter “P.O. Ramsey”) is named in her personal and official capacity, and was at the time of the incident as alleged herein an employee, agent, servant, and/or assignee of the Police Department of the City of Gerald, Missouri.

11. John Doe No. 1, a/k/a “Louis” L/N/U, (hereinafter “John Doe No. 1”) is an unknown police officer of the City of Gerald, Missouri, and is named in his official and personal capacity, and was at the time of the incident as alleged herein an employee, agent, servant, and/or assignee of the Police Department of the City of Gerald, Missouri.

12. Defendant John Doe No. 2 (hereinafter “John Doe No. 2”) is an unknown police officer of the City of Gerald, Missouri, and is named in his official and personal capacity, and was at the time of the incident as alleged herein an employee, agent, servant, and/or assignee of the Police Department of the City of Gerald, Missouri.

13. Defendant John Doe No. 3 (hereinafter “John Doe No. 3”) is an unknown male representing himself to be “Sgt. Jakob,” an agent or employee of the City of Gerald,

Missouri, and is named in his official and personal capacity, and was at the time of the incident as alleged herein an employee, agent, servant, and/or assignee of the City of Gerald, Missouri.

14. All events related herein took place within the City of Gerald Missouri, within the geographical boundaries of the Eastern District of Missouri, Eastern Division.

15. This matter is a Federal Question which arises under the United States Constitution, and 42 USC §1983, and this Court has original Jurisdiction over this matter pursuant to 28 USC §1331.

**VIOLATION OF CIVIL RIGHTS PURSUANT TO 42 USC §1983.**

16. In and around April and May of 2008, John Doe No. 3, a/k/a "Sgt. Jakob" with the Police Department of City of Gerald, Missouri, and accompanied by co-Defendants McCrary, Lt. Ramsey, P.O. Ramsey, John Doe No. 1, and John Doe No. 2, acting under color of State law, arrested Plaintiffs without warrant and without probable cause, searched their houses without warrant and without probable cause, detained some of Plaintiffs in their houses against their will, applied handcuffs to some of the Plaintiffs, transported some or all of Plaintiffs to the jail of the City of Gerald, where they were held without warrant or probable cause and questioned.

17. John Doe No. 3, a/k/a "Sgt. Jakob," is not and was not licensed by the State of Missouri, the United States, or any administrative agency as a police officer, federal agent, or investigator; and, at no time did he possess the qualifications to hold such

license or position, nor at any time was he legally licensed by the State of Missouri or the U.S. government to exercise the power of arrest.

18. The actions of John Doe No. 3 and co-Defendants McCrary, Lt. Ramsey, P.O. Ramsey, John Doe No. 1, and John Doe No. 2 constitute a violation of Plaintiffs' rights under the Fourth Amendment of the United States Constitution as it is applied to the States through the Fourteenth Amendment.

19. John Doe No. 3, a/k/a "Sgt. Jakob" of the City of Gerald, Missouri, was employed and authorized by the City of Gerald, Missouri; the Acting Police Chief of Gerald, Missouri; and the Assistant Chief of Police of Gerald, Missouri, to act under color of law, to conduct police activities in conjunction with or on behalf of the City of Gerald, Missouri, including the exercise of the police powers of arrest, search, and detention of persons within the City jail.

20. P.O. Ramsey was employed and authorized by the City of Gerald, Missouri; the Acting Police Chief of Gerald, Missouri; and the Assistant Chief of Police of Gerald, Missouri, to act under color of law, to conduct police activities in conjunction with or on behalf of the City of Gerald, Missouri, including the exercise of the police powers of arrest, search, and detention of persons within the City jail.

21. John Doe No. 1 was employed and authorized by the City of Gerald, Missouri; the Acting Police Chief of Gerald, Missouri; and the Assistant Chief of Police of Gerald, Missouri, to act under color of law, to conduct police activities in conjunction with or on behalf of the City of Gerald, Missouri, including the exercise of the police powers of arrest, search, and detention of persons within the City jail.

22. John Doe No. 2 was employed and authorized by the City of Gerald, Missouri; the Acting Police Chief of Gerald, Missouri; and the Assistant Chief of Police of Gerald, Missouri, to act under color of law, to conduct police activities in conjunction with or on behalf of the City of Gerald, Missouri, including the exercise of the police powers of arrest, search, and detention of persons within the City jail.

23. The City of Gerald, Missouri; its Mayor; its Board of Alderman; the Acting Chief of Police; and the Assistant Chief of Police knew, or reasonably should have known, that John Doe No. 3, a/k/a "Sgt. Jakob," was an imposter and unqualified as a police officer.

24. The City of Gerald, Missouri; its Mayor; its Board of Alderman; the Acting Chief of Police; and the Assistant Chief of Police placed John Doe No. 3, a/k/a "Sgt. Jakob," into a position where he was capable of violating the Constitutional Rights of Plaintiffs.

25. Defendant John Doe No. 3, a/k/a "Sgt. Jakob," was not properly trained or qualified in the basics of police procedures or the protection of constitutional rights.

26. The failure of Mayor Schulte, Alderman Landwehr, Alderman Johnson, Alderman Luechtefeld, Alderman Maxwell, McCrary, and Lt. Ramsey to properly verify the qualifications of John Doe No. 3 prior to authorizing him to engage in police activities by employment or otherwise, amounted to a deliberate indifference to the rights of persons with whom the police come into contact.

27. McCrary was the policy making official for the Police Department of the City of Gerald, Missouri; and Lt. Ramsey, P.O. Ramsey, John Doe No. 1, and John Doe No. 2 acted under his direct command and control.

28. The conduct of Defendants was malicious and recklessly indifferent to Plaintiffs' constitutional rights.

29. Plaintiffs were damaged thereby in one or more of the following ways, to-wit:

- a. loss of constitutional rights;
- b. personal injury, emotional upset, humiliation and aggravation of pre-existing disease conditions;
- c. damage to personal property; and/or
- d. theft of money from residence.

**WHEREFORE**, Plaintiffs **pray for a trial by jury**; that this Court return its verdict against Defendants for actual damages for violation of their Constitutional Rights, punitive damages to punish Defendants and to deter others from similar conduct, for their costs, and attorney fees pursuant to 42 USC §1988.

Respectfully submitted,

**SCHWARTZ, HERMAN & DAVIDSON**

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